

REMARKS

In the February 28, 2008 Office Action, the Examiner rejects pending claims 1-4, 6-10 and 19. Applicant herein amends claims 1 and 19, and also Figure 2B. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Applicant respectfully requests reconsideration of pending claims 1-4, 6-10 and 19 in light of the following Remarks.

As an initial matter, Applicant thanks the Examiner for the telephonic interview of May 5, 2008. Applicant also thanks the Examiner for agreeing that use of the phrase “in combination with” in claim 1 would further clarify the support for claim 1 in the specification.

Objection to Figure 2B

Figure 2B stands objected to as containing new matter. Applicant respectfully traverses this objection. However, to expedite prosecution, Applicant submits a replacement Figure 2B which is identical to the Figure 2B as originally filed. Applicant respectfully requests that this objection be withdrawn.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1-4 and 6-10

Claims 1-4 and 6-10 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. Applicant respectfully traverses this rejection as set forth herein.

In the telephonic interview of May 5, 2008, the Examiner agreed that use of the phrase “in combination with” in claim 1 would further clarify the support claim 1 has in the specification. Specifically, claim 1 requires, among other things, “adjusting the pH of said metal-bearing solution using a chemical pH adjustment step in combination with a dilution step.”

In support of this amendment, Applicant notes that, for example, paragraphs [0038] and [0039] of the present specification disclose a chemical pH adjustment step in combination with a dilution step. Paragraph [0038] discloses a chemical pH adjustment step as seen in the following quotation:

Referring now to FIG. 2B, in order to optimize solution extraction of the copper, the pH of copper-containing solution 230 from solid-liquid phase separation step 228, in accordance with various aspects of this embodiment of the present invention, preferably is adjusted to a pH of about 1 to about 2.2, more preferably to a pH of about 1.2 to about 2.0, and still more preferably to a pH of about 1.4 to about 1.8. This adjustment may be accomplished in a variety of manners. In accordance with one aspect of the present invention, copper-containing solution 230 is subjected to a chemical pH adjustment step 232, which optionally can be followed by further solid-liquid separation (step 234) to yield a final metal-containing solution 236 for solvent extraction. In such case, the residue 238 from step 234 can be impounded (step 240) or otherwise disposed of.

Paragraph [0039] discloses diluting the pH-adjusted metal bearing solution as seen in the following quotation:

Alternatively, or in combination with the method described above, the pH of copper-containing solution 230 may be adjusted through dilution (step 250). In contradistinction to the prior art methods that rely on significant dilution, in accordance with the present invention, when dilution is employed, low dilution ratios of make-up solution to copper-containing solution 230 are used.

Amended claim 1 now mirrors the language used in paragraph [0039].

Accordingly, Applicant believes that claim 1 complies with the written description requirement of 35 U.S.C. § 112, first paragraph, by reasonably conveying to one skilled in the art that the Applicant had possession of the claimed invention at the time of filing. Applicant respectfully requests that this rejection be withdrawn.

Dependent claims 2-4 and 6-10 variously depend from independent claim 1, so Applicant asserts that dependent claims 2-4 and 6-10 are patentable for at least the same reasons for differentiating independent claim 1, as well as in view of their own respective features.

Rejection under 35 U.S.C. § 112, second paragraph

Claims 1-4, 6-10

Claims 1-4 and 6-10 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite with respect to the term “said metal-bearing solution” as it appeared in claim 1, c), line 2. Applicant respectfully traverses this rejection as set forth herein.

Applicant’s amended claim 1 requires, among other things, “adjusting the pH of said metal-bearing solution using a chemical pH adjustment step in combination with a dilution step to form a pH-adjusted metal-bearing solution, wherein the pH of said pH-adjusted metal-bearing solution is less than about 2.2 and wherein said dilution step is performed using a ratio of said metal-bearing solution to a diluting solution of less than 1:10.” Applicant submits that the amended claim is now definite under 35 U.S.C. § 112, second paragraph.

Dependent claims 2-4 and 6-10 variously depend from independent claim 1, so Applicant asserts that dependent claims 2-4 and 6-10 are patentable for at least the same reasons for differentiating independent claim 1, as well as in view of their own respective features. Applicant respectfully requests the withdrawal of this rejection.

Rejection under 35 U.S.C. § 102(b)

Claim 19

Claim 19 stands rejected under 35 U.S.C. 102(b) as being unpatentable over United States Patent No. 4,092,400 (“Zbranek”) or United States Patent No. 4,444,733 (“Laferty”). Applicant respectfully traverses as set forth herein.

As Applicant noted in the immediately previous Reply to Office Action, both Zbranek and Laferty disclose a pressure leaching step performed under basic conditions. For example, Zbranek recites a pressure leach with a “caustic material,” preferably sodium hydroxide. (See Column 3, Lines 15-16, 18-19.) Zbranek also recites potassium hydroxide and potassium carbonate as potential alternatives. (See Column 3, Lines 19-25.)

Like Zbranek, Laferty also teaches a basic pressure leaching step. (See Laferty Column 2, Line 21.) To further show the basic pressure leach, Laferty discloses the addition of sodium hydroxide to the pressure leach. (See Laferty FIG. 1, which depicts “NaOH” with an arrow pointing into the box labeled “Pressure Leach.”)

In contrast to both Zbranek and Laferty, Applicant’s amended claim 19 requires, among other things, “pressure leaching a metal-bearing material with an acidic solution to yield a residue and a metal-bearing solution.” Accordingly, the processes of Laferty and Zbranek are chemically different from the process taught by the Applicant. Applicant respectfully requests withdrawal of this rejection and respectfully submits that claim 19 is allowable over the cited references.

Rejection under 35 U.S.C. § 103(a)

Claims 1-4 and 6-10

Claims 1-4 and 6-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 6,149,883 (“Ketcham”) in light of United States Patent No. 3,357,821 (“Henrickson”) and further in view of United States Patent No. 4,444,733 (“Laferty”). Applicant respectfully traverses this rejection.

Ketcham teaches a pressure leaching step performed under basic conditions. (See Ketcham FIG. 1 and FIG. 3.) Ketcham FIG. 1 and FIG. 3 both contain an “alkaline leach” step.

Ketcham FIG. 3 depicts lime or MgOH (both bases) entering the alkaline leach stage. Moreover, Henrickson does not appear to teach a pressure leaching step at all.

In contrast to Ketcham, Applicant's amended claim 1 includes, at least, "pressure leaching a metal-bearing material with an acidic solution to yield a residue and a metal-bearing solution." Accordingly, the process of Ketcham is chemically different from the process taught by Applicant. Henrickson does not cure this deficiency, as Henrickson does not appear to teach a pressure leaching step at all. Further, Laferty does not cure this deficiency in that Laferty teaches a basic pressure leach, as described in detail above.

Accordingly, the teachings of Ketcham, Henrickson, and Laferty, individually or collectively, do not disclose or contemplate "pressure leaching a metal-bearing material with an acidic solution to yield a residue and a metal-bearing solution" as recited in Applicant's claim 1.

Dependent claims 2-4 and 6-10 variously depend from independent claim 1, so Applicant asserts that dependent claims 2-4 and 6-10 are patentable for at least the same reasons for differentiating independent claim 1, as well as in view of their own respective features.

Applicant requests withdrawal of this rejection and respectfully submits that claims 1-4 and 6-10 are allowable over the cited references.

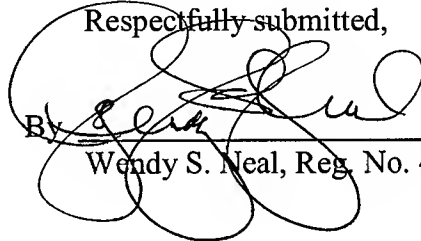
CONCLUSION

In light of the above remarks, Applicant respectfully submits that all the currently pending claims 1-4, 6-10 and 19 are in condition for allowance. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned.

Applicant authorizes and respectfully request that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Date 27 May 2008

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